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PUBLIC SAFETY PSWN PROGRAM WIRELESS NETWORK

Public Safety Wireless Network

Saving Lives and Property Through Improved Interoperability

March 17, 2003

RECEIVED

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
12th St. Lobby, TW-A325
Washington, DC 20554

Re: Response to the Commission's Request for Comments to Notice of Proposed Rulemaking and Order, *In the Matter of Amendment of the Commission's Rules Regarding Dedicated Short-Range Communication Services in the 5.850–5.925 GHz Band (5.9 GHz Band),* [and] *Amendment of Parts 2 and 90 of the Commission's Rules to Allocate the 5.850–5.925 GHz Band to the Mobile Service for Dedicated Short-Range Communications of Intelligent Transportation Services,* **WT Docket No. 01-90 and ET Docket No. 98-95.**

Dear Ms. Dortch:

On behalf of the Public Safety Wireless Network (PSWN) Program and pursuant to Section 1.51 of the Commission's Rules, 47 C.F.R. § 1.51 (2002), enclosed herewith for filing are an original and four (4) copies of the PSWN Program's Comments in the above-referenced proceeding.

Kindly date-stamp and return the additional, marked copy of this cover letter and filing to the person delivering it.

Should you require any additional information, please contact the undersigned.

Respectfully submitted,

Steven Proctor
Executive Director,
Utah Communications Agency Network
Executive Vice-Chair,
PSWN Executive Committee

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Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
Amendment of the Commission's Rules Regarding Dedicated Short-Range Communication Services in the 5.850–5.925 GHz Band (5.9 GHz Band)	)	WT Docket No. 01–90
	)	
Amendment of Parts 2 and 90 of the Commission's Rules to Allocate the 5.850–5.925 GHz Band to the Mobile Service for Dedicated Short-Range Communications of Intelligent Transportation Service	)	ET Docket No. 98-95 RM-9096

To: The Commission

PSWN PROGRAM COMMENTS TO THE NOTICE OF PROPOSED RULEMAKING AND ORDER REGARDING AMENDMENT OF THE COMMISSION'S RULES AND ALLOCATION OF THE 5.9 GHz BAND FOR DEDICATED SHORT-RANGE COMMUNICATION SERVICES

Filed by: The Public Safety Wireless Network Program

Date: March 17, 2003

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EXECUTIVE SUMMARY

The Public Safety Wireless Network (PSWN) Program is pleased to contribute the following comments concerning service rules and licensing for dedicated short-range communications (DSRC)-based intelligent transportation systems (ITS) to WT Docket No. 01-90. The PSWN Program recognizes the value DSRC operations can provide to enhance traffic safety and public safety capabilities. Traffic management, accident response, and protection of the Nation's transportation infrastructure are worthy objectives that could be promoted by the Commission as it adopts policies to regulate this emerging technology. DSRC also will best be served by the adoption of a single, robust architectural standard to promote interoperability and hasten deployment.

The PSWN Program recommends that Commission policies limit access to this finite spectrum in the 5.9 gigahertz (GHz) band that has been allocated for DSRC services to traditional public safety and public safety support entities to prevent congestion of the band. Commercial DSRC services and applications should not be permitted in the 5.9 GHz band. At the same time, public safety DSRC systems, and private DSRC systems that support public safety and traffic safety functions and protect critical infrastructure assets, should be partitioned from other DSRC operations. Public safety DSRC systems should be designated as the primary users of this band, and those entities should be licensed by geographic area whenever possible, with authorized service areas varying to meet the requirements of each application.

The PSWN Program also suggests that the Commission adopt aggressive enforcement policies and clear service rules to govern coverage areas for DSRC operations and standards for

quality of service. The Commission should maintain a database that contains licensee and user information on all DSRC-based ITS nationwide to promote compliance when interference occurs, and develop an override system to terminate non-public safety applications when they cause harmful interference. The Commission should also conduct a regular review of licensees' performance records to ensure these technologies are being used efficiently and are achieving the goal of improving traffic safety. When DSRC operations could conflict with sensitive government operations, such as fixed satellite services or high-power radar, the Commission should also mandate prior coordination procedures.

The Commission's policies should encourage robust and reliable DSRC services for public safety systems to fulfill the potential this technology holds. The PSWN Program looks forward to the development of DSRC applications and rules that will improve the ability of public safety providers to better ensure and enhance traffic safety and management as this technology is implemented.

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
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Amendment of the Commission's Rules Regarding Dedicated Short-Range Communication Services in the 5.850–5.925 GHz Band (5.9 GHz Band)	)	WT Docket No. 01–90
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PSWN PROGRAM COMMENTS TO THE NOTICE OF PROPOSED RULEMAKING AND ORDER REGARDING AMENDMENT OF THE COMMISSION'S RULES AND ALLOCATION OF THE 5.9 GHz BAND FOR DEDICATED SHORT-RANGE COMMUNICATION SERVICES

1. The Public Safety Wireless Network (PSWN) Program[1] Executive Committee (EC) respectfully submits these comments in response to the Notice of Proposed Rulemaking and Order[2] (NPRM&O) adopted by the Federal Communications Commission (Commission) pursuant to WT Docket No. 01–90. The Commission noted that the Intelligent Transportation Systems (ITS) program was developed by the U.S. Department of Transportation (DOT) to incorporate "technology and advanced electronics into the nation's surface transportation

[1] The PSWN Program is a federally funded initiative operating on behalf of all local, state, federal, and tribal public safety agencies. The Department of Justice and the Department of the Treasury are jointly leading the PSWN Program's efforts to plan and foster interoperability among public safety wireless networks. The PSWN Program is a 10–year initiative that is an effort to ensure that no man, woman, or child loses his or her life because public safety officials cannot talk to one another.

[2] See NPRM&O, In the Matter of Amendment of the Commission's Rules Regarding Dedicated Short-Range Communication Services in the 5.850–5.925 GHz Band (5.9 GHz Band), [and] Amendment of Parts 2 and 90 of the Commission's Rules to Allocate the 5.850–5.925 GHz Band to the Mobile Service for Dedicated Short-Range Communications of Intelligent Transportation Services, WT Docket No. 01-90 and ET Docket No. 98-95, FCC 02-302, rel. November 15, 2002.

infrastructure to improve traveler safety, decrease traffic congestion, facilitate the reduction of air pollution, and conserve vital fossil fuels."[3] To assist in the implementation of this technology, DOT was authorized by the Congress to appoint an advisory committee[4] and chose the Intelligent Transportation Society of America (ITS America) to provide assistance on ITS-related issues. In 1997, ITS America petitioned the Commission to allocate 75 megahertz (MHz) of spectrum in the 5.9 gigahertz (GHz) band for dedicated short-range communication (DSRC) services.[5]

I. BACKGROUND

2. In 1998, the Congress passed the Transportation Equity Act for the 21st Century (TEA-21),[6] which succeeds the Intermodal Surface Transportation Efficiency Act (ISTEA) and reauthorizes the national ITS program; TEA-21 orders the Commission to work with DOT to evaluate spectrum needs associated with ITS, "including spectrum for the dedicated short-range vehicle-to-wayside wireless standard."[7] The Commission first announced the DSRC rulemaking in October 1999, which allocated spectrum in the 5.9 GHz band for DSRC-based ITS applications,[8] and amended its Rules to include DSRC among permitted ITS services.[9] In October 2000, ITS America submitted its status report to the Commission, with

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[3] *Id.* at para. 4, citing the Intermodal Surface Transportation Efficiency Act of 1991, Pub. L. 102–240, 105 Stat. 1914 (1991) (*ISTEA*), §§ 6052 (b), 6059. *Id.*, at FN 8, 9.
[4] *Id.*, citing the Federal Advisory Committee Act, Pub. L. 92-463, 86 Stat. 770 (1972); 5 U.S.C. Appendix 2. *Id.* at FN 14.
[5] *Id.* at para. 6, citing the ITS Petition for Rulemaking, RM 9096, ET Docket No. 98-95, May 19, 1997 (*ITS America Petition*). *Id.* at FN 27.
[6] Pub. L. 105-178, June 9, 1998, 23 U.S.C. § 5206.
[7] *Id.* at para. 7, citing § 5206(f).
[8] NPRM&O, at para. 8, citing Allocation Report and Order, 14 FCC Rcd 18221 et. seq. (*Allocation Report and Order).*
[9] *Id.*, also discussing ITS Location and Monitoring Service (LMS), which is used for vehicle location and operates in the 902–928 MHz band. *Id.* at FN 38.

recommendations for the development of licensing and service rules.[10] The Commission later sought comments on the status report from interested parties regarding "current, emerging, and potential DSRC-based ITS applications and services," and the development of standards for ITS technology.[11]

3. In July 2002, ITS America filed *Ex Parte* Comments with the Commission that proposed licensing and service rules for the 5.9 GHz band.[12] On November 15, 2002, the Wireless Telecommunications Bureau released FCC 02-302, requesting comments on the NPRM&O, which proposes to amend Parts 2 and 90 of the Commission's Rules. These rule changes would consider issues regarding definitions of DSRC and ITS services, public safety and private services, licensing issues, and the appropriate rules for using these services to transmit information among and between different users and geographic areas of operation. The rule changes would also include determination of the types of entities that would be eligible to use the 5.9 GHz spectrum designated for DSRC services. The PSWN Program has identified several issues regarding the use of this band, including eligibility of non-public safety users to operate on this band, and recommends adoption of a solution that would provide a fair compromise and prevent potential disruption of traffic safety and public safety applications.

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[10] Status Report and Recommendations for Licensing and Service Issues and Deployment Strategies for DSRC-Based Intelligent Transportation Services for the DSRC Spectrum in the 5850–5925 MHz Band, WT 01-90, October 6, 2000 (*ITS America Status Report*).

[11] *See* Wireless Telecommunications Bureau Seeks Comment Regarding Intelligent Transportation System Applications Using Dedicated Short Range Communications, *Public Notice*, DA 01-686 (rel. Mar. 16, 2001, corrected version rel. Mar. 22, 2001).

[12] *See* Ex Parte Comments of ITS America: Status Report and Recommendations for Licensing and Service Issues and Deployment Strategies for DSRC-Based Intelligent Transportation Services for the DSRC Spectrum in the 5850–5925 MHz Band, WT 01-90, July 9, 2002 (*ITS America Ex Parte Comments*).

II. STATEMENT OF INTEREST

4. Because of the apparent significance of public safety applications using DSRC technology and the designation of the 5.9 GHz band to support this technology, the PSWN Program has followed this docket closely and contributed comments and reply comments to the Commission in 2001.[13] To spur the necessary investment in additional testing and equipment for eventual deployment, it is important that developers have clear, consistent, and well-settled rules that delineate how this technology would be used in the future. This investment could also be encouraged through the adoption of a single standard for ITS technology. It is equally important that the Commission continue to place a high priority on public safety use of this band by protecting public safety operations from interference and ensuring that any private or commercial use of DSRC-based ITS in the 5.9 GHz band is compatible with public service, traffic management, and public safety applications.

III. DISCUSSION

5. First and foremost, the PSWN Program is optimistic that the promise of DSRC-based ITS services to promote traffic safety in the 5.9 GHz band will be fulfilled.[14] Although these

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[13] *See* Comments of the Public Safety Wireless Network (PSWN) Program on the ITS-A Status Report on Licensing and Service Issues and Deployment Strategies for DSRC-Based Intelligent Transportation Services in the 5.850–5.925 GHz Band; In the Matter of Service Rules for the 5.850–5.925 GHz Band, in the WT Docket No. 01-90, May 16, 2001 (*PSWN Program Comments*); Reply Comments of the Public Safety Wireless Network (PSWN) Program on the ITS-A Status Report on Licensing and Service Issues and Deployment Strategies for DSRC-Based Intelligent Transportation Services in the 5.850–5.925 GHz Band; In the Matter of Service Rules for the 5.850–5.925 GHz Band, in the WT Docket No. 01-90, May 31, 2001 (*PSWN Program Reply Comments*).

[14] NPRM&O, at para. 8, citing the Allocation Report and Order, at 18221.

channels are not suitable for traditional public safety communications,[15] the PSWN Program recognizes the impact that local area networks using DSRC technology could have in supporting law enforcement. Other public safety agencies and support services, including fire and rescue, ambulance services, hazardous material response, and those tasked with ensuring highway safety and orderly traffic flow, could benefit from DSRC services, if properly prioritized, to assist them in traffic flow, accident avoidance and recovery missions.

6. The Commission has observed that "[s]ince the Allocation Report and Order was released, we note the number and kinds of DSRC-based ITS applications have changed and continue to evolve."[16] In the NPRM, the Commission sought comment on whether transferring "data" would include the video and audio component of the "Emergency Vehicle Video Relay" application as described in the rulemaking.[17] The PSWN Program agrees with ITS America that the definition of data offered in the Allocation Report and Order should be amended to permit voice, data, and video applications. The PSWN Program supports an expansive definition of DSRC-based ITS services and recommends that the Commission remove the qualification of "non voice radio techniques"[18] from its definition of DSRC technology to allow for the use of a voice component of DSRC-based ITS communications as appropriate.

7. The PSWN Program notes with approval the Commission's tentative conclusion that "the 5.9 GHz band should be used primarily for 'public safety' purposes."[19] The PSWN Program

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[15] *Id.* at para. 16, citing Comments of the Intelligent Transportation Society of America, In the Matter of Wireless Technology Bureau Seeks Comments Regarding Intelligent Transportation System Applications Using Dedicated Short-Range Communication Systems, WT Docket No. 01-90, May 16, 2001, at p. 5 (*ITS America Comments*); ITS America Ex Parte Comments at p. 47.
[16] *Id.* at para. 14.
[17] *Id.*
[18] *Id.* at para. 12, citing 47 C.F.R. § 90.7.
[19] *Id.* at para. 18.

strongly recommends that the Commission restrict any operation of non-public safety or private DSRC-based ITS services to a separate and distinct portion of the 5.9 GHz band where these operations will not congest channels. The PSWN Program therefore requests that, if private entities and other non-public safety users are permitted to operate DSRC-based ITS services on the 5.9 GHz band, the Commission partition the band to separate the different applications to minimize the chance for harmful interference.

8. At the same time, the Commission should provide at least 50 MHz of the available spectrum to support public safety operations and should develop rules to safeguard against interference to public safety and traffic safety operations. Public safety should also be officially designated by the Commission as the primary user of the 5.9 GHz band. In that way, the Commission would reduce risks to those services supporting critical functions in that band, such as accident avoidance and roadside traffic messaging to warn drivers of dangerous conditions. By taking these steps now, the Commission would ensure that public safety services retain priority over private or other non-public safety uses of DSRC-based ITS technology.

9. The Commission also asks for comments with respect to the definition of "public safety services" to be applied to DSRC-based ITS operations in the 5.9 GHz band.[20] The PSWN Program supports the continued use of the current definition. It limits the entities eligible to use this spectrum to "traditional public safety services, such as police, fire, and emergency medical services" and "non-commercial, private internal radio services used by State or local government entities,... [including] ...entities whose infrastructure is used primarily for the purpose of providing essential public services to the public at large."[21] These entities must also have access to information and messages that could affect asset security, particularly water, power, transportation, and other critical infrastructure providers that must be protected in emergencies

[20] *Id.* at para. 19.
[21] *Id.*, citing 47 U.S.C. 309 (j)(2), and the Balanced Budget Act Report and Order, 15 FCC Rcd 22709 *et. seq.*, at FN 101–105. *Id.*

and need to be reliably and seamlessly linked with public safety operations. The PSWN Program asserts that not-for-profit use of DSRC-based ITS services for a limited group of important industries is the most appropriate use of these resources.

10. The Commission requests comments with respect to the definition of "private services" or "non-public safety services" operating in the 5.9 GHz band. The Commission notes that the definition proposed by ITS America is based on the definition of "private internal services" currently used to regulate Multiple Address Systems.[22] The PSWN Program recommends that the Commission should also adopt the proposed language and restrict the 5.9 GHz band from any commercial applications whatsoever. The eligibility of private entities to operate in the 5.9 GHz band should be contingent upon the qualification that DSRC applications and services are not provided on a for-profit basis. The PSWN Program is also in favor of the enumeration of a specific list of services that would be eligible for licensing on the 5.9 GHz band.

11. ITS America also recommended that the Commission require all DSRC operations in the 5.9 GHz band to use an interoperable standard.[23] ITS America further proposed that the Commission "amend Part 90 of the Commission's Rules, and 'invoke the certification procedures...found in Subpart J of Part 2 of the Commissions Rules' to require DSRC equipment manufacturers to comply with the ASTM-DSRC standard."[24] The PSWN Program agrees that adoption of an open interoperable standard would benefit the timely development of DSRC applications and the proliferation of these systems to public safety and other users. As ITS America noted, failure to adopt a standard for DSRC could unnecessarily delay the introduction and widespread use of DSRC systems.[25]

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[22] *Id.* at para. 23, citing 47 C.F.R § 101.1305.
[23] *Id.* at para. 30.
[24] *Id.*, citing ITS America Ex Parte Comments at pp. 37–38. *Id.* at FNs 162–164.
[25] *Id.*, at para. 32.

12. It is also advisable for the Commission to formulate and administer controls over vendors, manufacturers, and users by ensuring consistency of operations and quality through establishment of an equipment certification process for DSRC systems.[26] The Commission could make enforcement of 5.9 GHz operations simpler by adopting rigorous testing and development of measurement tools that detect power levels in excess of optimal system requirements, potentially harmful emissions, and other problems that could occur because of equipment malfunctions or deliberate misuse. The PSWN Program also recommends that a single American National Standards Institute-approved technology standard should be applied to both public safety and any private and non-public safety DSRC systems that are authorized by the Commission. The application of a single standard should prevent conflicts that could result from use of incompatible systems, as well as permit interoperability between different systems and applications. Partitioning the band, as mentioned previously, should also help to prevent conflicts between public safety and non-public safety use of DSRC applications from arising. The Commission should also conduct regular reviews of both the standard and the certification process to ensure that they do not inhibit emerging applications, and that obsolete technologies do not become entrenched as new uses for DSRC are developed.

13. The Commission also has requested comments regarding the proposed band plan for the 5.9 GHz spectrum allocated for DSRC-based ITS services.[27] The PSWN Program suggests first that the band should be partitioned, allowing at least 50 MHz of spectrum dedicated for public safety services on the band, and that the remainder should be assigned for other uses authorized by the Commission. If interference is still an issue with the services in different parts of the band, the PSWN Program recommends that the band should be further segmented to assign different frequencies for different applications. Out of an abundance of caution, the Commission should also reserve spectrum to be used as guard bands until the different applications are

[26] *Id.*
[27] *Id.* at para. 38.

conclusively demonstrated to be compatible. The Commission can always assign these unused channels at a later date if no conflicts occur.

14. The Commission requested comments concerning the appropriate licensing plan for regulating ITS.[28] The PSWN Program encourages the Commission to adopt a licensing policy based on the geographic area in which each roadside unit (RSU) would operate. In addition, the Commission should allow each licensee to have a number of on-board units (OBU) that are permitted to use that licensee's system, to allow for factors such as traffic flow, and to easily support applications that cross state or multiple jurisdictional lines to enable seamless service. The PSWN Program agrees with ITS America that licensing should be done on a shared, site-specific basis if possible. However, if the Commission determines that it is necessary for licenses to be exclusive, the PSWN Program reiterates its earlier comment that licenses for the 5.9 GHz band should not be offered for commercial services. Public safety should be officially designated as the primary user on this band, and non-public safety services should be required to cease operation if they cause interference to public safety and similar services operating on the band. Licenses should also be reevaluated by the Commission on a regular basis to determine whether the licensee is using the band to the fullest extent for provision of non-interfering private, traffic safety, or public safety functions.

15. As described above, the PSWN Program also supports geographic licensing for DSRC-based ITS. The Commission has also stated that there are advantages for public safety DSRC operations that are licensed by geographic area.[29] In the NPRM&O, the Commission requests comments regarding the appropriate size of the geographic area for each license. The PSWN Program is in favor of varying the size of licensed service area or "communications zone,"[30] depending on the application and licensee's needs. Other factors, such as topography, population

[28] *Id.* at para. 40.
[29] *Id.* at para. 47.
[30] *Id.* at para. 42.

density, and degree of development in an area could also influence the size of the licensee's area. For example, larger communication zones may be appropriate in rural settings than in urban areas, where there are potentially more OBUs and RSUs, and greater need for different services. The PSWN Program concurs with ITS America's recommendation that public safety and non-public safety licensees' licensed communication zones could reasonably overlap.[31] The PSWN Program emphasizes the accompanying caveat that "public safety warning messages have priority rights for transmission across shared channels and overlapping zones as well as generally in the band," and that directional antennas should be used to minimize the likelihood of interference in adjacent communication zones.[32]

16. The Commission also requested comments on the types of entities that should be eligible to hold public safety DSRC licenses on the 5.9 GHz band.[33] The PSWN Program recommends that traditional public safety providers (law enforcement, fire, search and rescue, and other first responders) should be licensed on this band. Agencies that enhance traffic safety and provide support for law enforcement, including tow trucks, highway repair, and ambulance services should also be designated as public safety entities under this rationale. In addition, because of the vital nature of some public services, such as power, water, transportation, and other critical infrastructure functions that need heightened protection, these services should be incorporated into DSRC networks to ensure timely flow of information at all times.

17. In response to the Commission's request to propose which entities should administer licenses,[34] the PSWN Program further suggests that DSRC operations should be licensed based on the kind of application being used. In some cases, a state, regional, or even national license might be appropriate to provide for different functions, such as traffic safety and management,

[31] *Id.*, citing ITS America's Ex Parte Comments, at p. 53.
[32] *Id.*, citing ITS America's Ex Parte Comments, at p. 49.
[33] *Id.* at para. 49.
[34] *Id.* at paras. 49, 50.

companies transporting goods in interstate commerce, and other entities that need to communicate with multiple jurisdictions in a given region or across the country. The PSWN Program also recommends that the Commission continue to categorize DSRC as a "non-voice communications service," even though some operations may allow for limited voice capabilities, as described above.

18. ITS America has proposed that the Commission should license all OBUs by rule,[35] and the Commission has asked for comments regarding the appropriate licensing plan that it should adopt.[36] The PSWN Program reiterates its opinion that, as much as possible, OBUs should be licensed with the corresponding RSUs for the appropriate regional, state, or national purpose supported by that DSRC-based ITS. If the Commission should opt to license OBUs by rule, the PSWN Program also recommends that the Commission establish a centralized data collection tool containing a comprehensive national list of DSRC licensees. Such a resource would be critical for quickly resolving conflicts in cases where interference occurs, or if problems result from incompatible applications when licensing areas overlap. Information must be made available to make detection and enforcement possible on short notice. In addition, the Commission should also consider developing a mechanism to terminate non-public safety applications from a remote location if interference to public safety systems occurs.

19. The Commission has maintained that coordination of DSRC operations should not always require prior coordination with incumbent services.[37] The PSWN Program agrees with the Commission's tentative conclusion that incumbent fixed satellite services (FSS) Earth stations should be avoided when locating DSRC systems, but that prior coordination might be required in some cases to avoid signals from FSS and other high-power government operations

[35] *Id.* at para 51, citing the ITS America Ex Parte Comments at p. 45.
[36] *Id.* at para. 52.
[37] *Id.* at para. 55.

from interfering with DSRC systems.[38] Testing should be performed to determine whether changes to the noise floor would impact any incumbents. The PSWN Program also agrees with the Commission that sharing between Government systems and DSRC operations in the 5.9 GHz band is possible,[39] and that prior coordination with the National Telecommunications and Information Administration is an appropriate way to ensure that all agencies' relevant interests are protected.

20. The Commission also asked whether construction requirements would be necessary for ensuring that DSRC facilities would be constructed in a timely manner, and whether public safety and non-public safety operations should be subject to the same deadlines if the Commission does approve a site-based licensing policy.[40] The PSWN Program favors geographic licensing of DSRC services; however, where site-based licensing is appropriate, the Commission should impose firm, realistic deadlines for accomplishing construction testing and deployment of DSRC systems. The same deadlines should apply to all parties contemplating operation of a DSRC-based ITS service, with discretionary waivers provided by the Commission as necessary in exigent circumstances. In any case, the PSWN Program reiterates its request that the Commission regularly review DSRC licenses, including licenses for public safety operations, to determine whether these applications continue to meet the objective of improving highway safety and efficiency.

21. In the NPRM&O, the Commission also asks whether coverage requirements and "substantial service" should be defined if the Commission elects to license the 5.9 GHz spectrum

[38] *Id.*, citing the Allocation Report and Order, 14 FCC Rcd at 18225, para. 9. *Id.* at FN 267.
[39] *Id.* at para. 58, citing the Allocation Report and Order, and 47 C.F.R. § 90.371 (b). *Id.* at FN 276.

using geographic service areas.[41] The PSWN Program asserts that the Commission should clearly define "substantial service" in order to set qualitative standards that can be objectively enforced by the Commission. Likewise, the Commission should determine minimum coverage requirements for licensees operating DSRC systems. If criteria can be narrowly defined to demonstrate the value of DSRC services and applications, licenses could be renewed or rejected quickly, and developers could pursue better and more efficient use of this spectrum by providing more reliable and ubiquitous technology to improve highway safety and communication.

22. Finally, the Commission also inquired "whether Section 90.350 should be modified to refer to the nation's *surface* transportation infrastructure," to provide consistency with the definition of ITS used by DOT and the transportation industry.[42] The PSWN Program agrees that the Commission's Rules should reflect this emphasis, and that the change would help to align communication policies with those established by transportation officials to govern the transportation industry, use of the Nation's highways, and other transportation infrastructure. As the Commission notes, similar language already appears in both ISTEA and TEA-21.[43]

IV. CONCLUSION

23. The PSWN Program thanks the Commission once again for the opportunity to participate in the rulemaking process and acknowledges the contributions of all parties that have submitted comments on this docket. DSRC technology holds great promise for helping public safety personnel to maintain and regulate transportation to enhance safety on the Nation's highways, as

[40] *Id.* at para. 65.
[41] *Id.* at para. 66.
[42] *Id.* at para. 82.
[43] *Id.*

well as to enhance protection of the Nation's critical infrastructure. The PSWN Program recommends that the Commission take actions appropriate to ensure the use of the 5.9 GHz band for public safety services is uninterrupted by harmful interference. The licensing process adopted for DSRC systems must achieve the objective of enhancing traffic safety as articulated by the Commission and by DOT. At the same time, it is necessary for developers to consider not only the commercial functions that are envisioned for this technology, but to plan now and anticipate the needs of public safety users that DSRC systems can fulfill. The PSWN Program fully supports a balancing of these interests that will hasten the deployment of these applications to serve public safety interests and address demonstrated needs to integrate fixed and mobile communication services for the protection of our Nation's highways.

Respectfully submitted,

Steven Proctor
Executive Director,
Utah Communications Agency Network
Executive Vice-Chair,
PSWN Executive Committee

Before the
Federal Communications Commission
Washington, DC 20554

Certificate of Service

In the Matter of	)	
	)	
Amendment of the Commission's Rules Regarding Dedicated Short-Range Communication Services in the 5.850–5.925 GHz Band (5.9 GHz Band)	)	WT Docket No. 01–90
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I, Richard N. Allen, Senior Associate, Booz Allen Hamilton, 8283 Greensboro Drive, McLean, Virginia, 22102–3838, hereby certify that on this date I caused to be served, by first-class mail, postage prepaid (or by hand where noted) copies of the Public Safety Wireless Network Program's Comments, *In the Matter of Amendment of the Commission's Rules Regarding Dedicated Short-Range Communication Services in the 5.850–5.925 GHz Band (5.9 GHz Band)*, [and] *Amendment of Parts 2 and 90 of the Commission's Rules to Allocate the 5.850–5.925 GHz Band to the Mobile Service for Dedicated Short-Range Communications of Intelligent Transportation Services*, WT Docket No. 01–90 and ET Docket No. 98-95, the original of which is filed herewith and upon the parties identified on the attached service list.

DATED at Fair Oaks, Virginia this 17th day of March 2003.

Richard N. Allen

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